CALL TO ORDER 1:45

A meeting of the Metropolitan Planning Commission was called to order by Susan Cosner, Chair, and was held in-person on July 17, 2023 at 5:01 PM.

ATTENDEES

Members in attendance: Sue Cosner (Chair), Wendy Zara (Vice-Chair), Judy Alling, Josh Gibson, Dennis Ross and James White.

Staff in attendance: Curt Freese, Community Development Department Director.

REVIEW OF MINUTES OF 4/17/23 AND 5/15/23 2:34

Ms. Zara made a motion to approve the April 17, 2023 minutes. Mr. White seconded the motion. The motion passed unanimously.

Mr. White noted on the May 15, 2023 minutes on page #6 under the motion that the motion was made by Judy Alling, not Sue Cosner and also the vote was 3:1, not 4:1.

Mr. White made a motion to approve the May 15, 2023 minutes with the changes. Mr. Gibson seconded the motion. The motion passed unanimously.

All [Insert name of Review Board] meeting minutes are recorded and can be found on the City’s website at http://www.cityofbeaufort.org/AgendaCenter. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at tgundler@cityofbeaufort.org.

QUESTIONS RELATING TO MILITARY OPERATIONS 4:48

None.

APPLICATIONS 5:00

A. City of Beaufort – Text Amendments. Amendments to the City of Beaufort Development Code, Chapters 2-10, to consider processes for approvals, boards and commissions, and historic preservation.

Curt Freese presented the background for the amendments that was also included in the Commissioners meeting packet. Mr. Freese stated he would go over the major text amendments first and then will go over the remaining amendments afterwards. Mr. Freese also stated to everyone that...
the MPC is making a recommendation to the City Council. The next scheduled meeting is in late August. If this goes forward that’s when the public hearing and ordinance to make these changes will be heard for the first time and then there will be two readings. The major issue that came out of the work sessions was a recommendation to remove the Historic Beaufort Foundation (HBF) seat from the Historic Review Board (HRB). Right now, the way the Code is written the HRB Board is set up of duties, its responsibilities, its powers. Right now, HBF basically can nominate one seat the of five. The recommendation now is taking it to City Council with a recommendation to remove.

First Discussion Item: HRB Board Composition Background:
In Chapter 10.7.3.A, HBF is allowed to nominate one member of the HRB by Code. The city received a letter from the Chamber of Commerce that it would like to nominate a member to HRB. The city had received some commentary that some organizations felt this was unfair. The question is whether HBF should retain the ability to nominate one of those five members ability per the Code or not. The recommendation from staff is to remove this section because it seemed unfair to have any organization that would have preferential treatment over any other organization. Mr. Freese included the red line version in the packets for the MPC so they can see the changes in those sections red. Tonight, we are mostly talking about chapters 9 and 10, although there are other chapters to seven and the reasons those chapters are there because they relate to the powers of one of those boards, so if they’re to be changed and if those recommendations are to be accepted, those code amendments have to be altered. This is a major process and there were already some text amendments proposed in the past. The city adopted this very progressive Form-Based-Code in 2017 and HBF was in the code. There haven’t been any changes to the code brought before the MPC other than just a few minor text amendments that just changed a sentence or two. Mr. Freese said when he started here, he met with people in the community and the MPC and it was very obvious there were some issues with efficiency, meetings, the process, projects taking over a year or two to go to the Boards, transparency, citizens were unsure which Board they would go before; what the Board was approving/not approving and what staff was approving or not. This was looked at first because it seemed to be like the core issues. Mr. Freese reiterated that the HBF seat would just remove the nominating ability for HBF seat. It would not give any other Board nominating seats. It will be open to all citizens in the city. Anybody that’s a resident of the city, if this was removed, could apply.

Second Discussion Item: Metropolitan Planning Commissions:
Mr. Freese reiterated that the Form-Based Code is really complicated. Beaufort is one of the few cities in the country that’s adopted a fully Formed-Based Code and the Metropolitan Planning Commission (MPC) was adopted for regionalism purposes. Back in 2008, there were issues with annexations and the MPC was the answer to that problem by having Port Royal, the City of Beaufort and the Beaufort County come together to have one Board making decisions within the northern regional area. Port Royal adopted a Form-Based Code that is different from the City of Beaufort with a different set of consultants and the County has a quasi-Form-Based Code for some sections of county and some are not. Another rationale is there’s six MPC members, two from each entity. Mr. Freese stated a lot of Regional Planning Commissions have been dissolved in the last twenty to thirty years. The sense from the staff is that the city residents should be making decisions for major developments in City and not residents in other communities. This will improve decision-making and efficiency. Our records show that the county hasn’t taken anything to the Planning Commission in some time.

Third Discussion Item: Redevelopment District (Chapter 9):
Mr. Freese stated there was a lot of controversy. There was an amendment heard by the MPC in December 2022 to remove staff approval levels in the Boundary Street and Bladen Street Districts. The concerns were that staff was approving things they weren’t allowed in the code. After a lot of discussion, this Commission recommended approval of that, and it went before the City Council.
The current proposal is to add a public comment period for all the projects in that redevelopment district and a comprise between time-consuming public approval, and non-transparent staff level approval. The proposal would be that all projects in the redevelopment district would have a 15-day public review and comment period for major submittals. Staff would have to respond to comments in writing and have them put on our website before anything was approved.

Fourth Discussion Item: Design Review Board:
Mr. Freese stated right now, the recommendation is to merge the Design Review Board (DRB) with the City only Planning Commission. All DRB power and approvals would be transferred to the City Planning Commission with some changes which are now all commercial projects would be going to this new Planning Commissions before staff can approve some projects and some multi-family projects. Staff recommendation is to approve elimination of the DRB and combine it with the city only Planning Commission. The rationale is the DRB was struggling; projects were taking a long time, and the Planning Commissions has a better understanding of roads, infrastructure; efficiency of the process. Going to one Board is easier for staff to manage, citizens have only one board to come to, and easier for the board members.

The other sections for Historic Review Board (HRB) there is other items such as board composition, demolitions for non-contributing structures, changing administrative approvals, putting guidelines for new construction in Historic District Rules, and putting in Secretary Guidelines for Certificate of Appropriateness (COA’s). There have been some concerns in the last few years about projects coming before the HRB and the need for better guidelines for approvals.

Chairman Cosner asked the Commissioners if there were any clarifying questions, not comments, for Mr. Freese. Mr. Gibson wanted to clarify that the primary thing the MPC is dealing with is the HRB. He also feels the problem is efficiency because the HRB is a cumbersome process. Mr. Gibson has been before the HRB three times and can attest to this. Mr. Gibson asked, if it is a matter of efficiency, how making the change about how the people are nominated for it solves that problem in any way. Mr. Freese responded and stated the rationale is multi-pronged and there’s efficiency, transparency, fairness.

Public Comment: 30:10

Paul Trask, 610 Bladen Street. Regarding the efficiency of the Board, he doesn’t believe the appointment from HBF has anything to do with the efficiency of the way that HRB operates. It’s really a matter of whether or not there is strong leadership in the chairman position, whether they are established rules of procedures that are being followed, a checklist for example that for each project that addresses the seven integrities or the Milner Report depending on district and so forth. It’s not the function of the individual or the fault of HBF for some dysfunction on the HRB but a matter of council to address to demand and require accountability of the Board itself. He is in opposition for removing HBF’s appointment authority. After all, the city council votes unilaterally four members of the five, Mr. Trask said. Only one member of the five, 20% is recommended by HBF and city council still has authority to approve or to deny that appointment.

Lise Sundrla, Historic Beaufort Foundation. Historic Beaufort Foundation (HBF) was incorporated in 1965 with their Mission to serve and protect and present sites and artifacts of cultural, historic, and architectural legacy within our community. In 1968, it was HBF that was instrumental in commissioning. The first historic site survey of what became our National Historic Landmark District and our National Register District. National Register in 1969, National Landmark 1973, and in 1972, it was because of HBF’s involvement and relationship and unique background in history.
Chambers recognized the critical importance of designating a seat by ordinance in the city’s first zoning ordinance in 1972. At the time, it read that it had to be a member of HBF’s Board of Directors. The very first representative for HBF that was on that architectural was Mrs. W. Brantley Harvey representing not only HBF but our historic and architectural legacy. Since that time frame we’ve had multiple mayors, multiple city managers, city planners, and multiple directors of HBF that worked in concert for almost 50 years to ensure that the historic integrity of our National Register and National Landmark District was not only protected but preserved. It wasn’t until 2021 that that seat was challenged under then Mayor Billy Keyserling; his moral compass was bothered because he felt we were a “lobbying” organization, and we should not have a seat on that Board. We have never been and never will be a “lobbying” organization. We are instead an advocate for preserving the historic legacy of Beaufort and that’s what we’re going to continue be in our relationship and perceived relationship with the city. What we want to do is see that relationship knit back together and for it to be strengthened again for us to be able to move forward for what’s best for our community and best for preserving this very precious Historic Landmark Historic District and registered district that we currently have. The South Carolina Attorney General weighed in in 2012 at the request of then Mayor Billy Keyserling. And when he weighed in, he was specifically asking them, “were we able to, as a non-profit, serve in that capacity as the ordinance stated”. They came back with a very specific statement that whoever in an agency, a nonprofit, or separate private organization that was to be recommended by ordinance to serve on any of the boards and commissions had to have a rational relationship to the law that was the purpose of that commission or board. They further ruled or gave the opinion that HBF was uniquely qualified for that seat. The only thing they said to change was the city council could not mandate it be of our Board of Directors. The ordinance language was changed in 2021 to read, one of five seats on the HRB will be recommended by HBF and that is how it today and that’s what we’re asking you today, to please help us to preserve that seat and to recognize importance of the integrity of our National Historic Landmark District. Ms. Sundrla suggested before the MPC rules, to take a look at the Certified Local Government Guidelines because those guidelines were administered through the Department of Archives and History govern our Historic Review Board and govern how they act and how they are appointed. This will explain the language and this language should mirror what is in our code, and it does not.

**Deborah Gray, 1300 Barnwell Bluff.** Historic Beaufort Foundation (HBF) and their nominees for a Historic Review Board seat possess impressive breadth and depth of knowledge of preservation guidelines, issues, and techniques. They command up-to-date knowledge of preservation tax credits and funding. They have working familiarity with the creation and protection of historic districts and individual designations. They possess dedication to the seven integrities crucial to preservation outcomes. Beaufort has undertaken the process of updating preservation standards and city codes. The National Park Service has recently evaluated the status of historic and issued its report on the degree to which the fabric is threatened. Now time has to be granted to judge how these measures will move preservation forward more effectively and fictitiously for those coming before the Board, for the city and the board members. Rather than removing the right of HBF to nominate a board member, the individual likely to possess the greatest font of preservation knowledge, let’s address how issues of historic district vitality, economic well-being, changing city and constituency priorities and equity can be addressed in a preservation format, a framework. This calls for collaborative board strengths, city resources, both public and private, and better delegation of process responsibilities, the board and city department. Preservation requires activism, linkages, relationships, and evolution. A well-balanced Board focused on its mission statement is an unbelievable crucial city asset and can also unite a city divided through its commitment to and delivery of sound preservation guidelines. To say, “I feel your pain”, “not over by dead body”, simply escalates tensions and animosity. If all talents are engaged in addressing both the build and human factors in the equation, I believe this is possible.
I believe this agenda can be best achieved by ensuring that HBF continues to have a protected right to nominate a person to a designated seat on the HRB.

**Diane Brownfield** said she probably has no right to stand up here tonight because she is a newcomer to Beaufort; living here less than a year and lives at East River Drive. She has lived 27 years in Savannah, Georgia. She’s said she has served on the Savannah HBF many years ago and also served as a volunteer on their Architectural Review Board. She said the city has an individual here who knows what preservation is and feels she will know what kind of person who needs that assignment. She stated the city’s strategic plan says that they are looking for somebody who’s believes in preservation and is concerned about historic preservation, and this is what needs to matter to every citizen in this community. She asked the MPC to consider leaving things as they are and keep things as they are.

**Phil Cromer, 162 Spanish Point Drive.** Most of what he wanted to say was already covered, but he did want to mention that under the Section 10.7.3.A on the composition of this Board, HRB shall consist of five members with an interest, a competence, and a knowledge in preservation. It also states that two members shall be professionals in the discipline of preservation, architecture, and history. In the making an analogy, if you’ve got a medical problem, you’re going to see medical professional, not a bank or a real estate agent, he said. The same applies here; if you’re dealing with historic preservation, you’re going to go to the professionals in the field and HBF is the professional in the field. Mr. Cromer said he was on council at the time that of the Attorney General’s opinion was rendered and as a result we did codify the sentence that you see as being struck as a compromise or a result of Attorney General’s opinion. Mr. Cromer asked the MPC to keep things the way they are. We need their expertise and this whole Board is about preservation.

**Rob Montgomery** a property and business owner on Ribaut Road and also Chairman of the Historic Beaufort Foundation said in April of 2020 an opinion was rendered by the South Carolina Attorney General concerning this exact issue. By ordinance 1972 a seat on the HRB Board has been designated for an applicant nominated by HBF. The seat was challenged in 2020 by Mayor and Council and an opinion for the South Carolina Attorney General’s office was requested then by Mayor Keyserling. This opinion stated there must be a rational and substantial relationship between the private organization recommending a candidate and the law to be administered. The opinion continues that since there is rational and substantial relationship between foundation, a non-profit organization, and the law to be administered by the HRB, there is no doubt that the foundation is qualified to recommend or nominate candidates for appointment. However, the ordinance cannot require the candidates to be members of the private organization making the nominations. At the time, city ordinance required that the HBF nominee would be an HBF board member as a result of the 2020 inquiry that clause was struck and so now the city ordinance does not require that HRB nominate HBF board member. A positive result of that 2020 challenge was a task force being created that consisted of then City Manager, Bill Prokop, City Councilman Mike McPhee and Phill Cromer, HBF Executive Director, Cynthia Jenkins, Chuck Symes and myself. This task force explored ways the foundation and city offices could work together on issues affecting the Historic District. I thought this was a good step in recalibrating the traditionally strong relationship that has always been fostered between the city and HBF but was unfortunately abandoned by the current administration. Mr. Montgomery said, please recommend against removal of Section 10.7. which states, one of the five members of the Historic Review Board shall be recommended by the Historic Foundation. Our desire is to foster the collaborative relationship first established back in 1965 when the newly formed Historic Beaufort Foundation teamed with then Mayor Henry Chambers to restore the John Mark Verdier House and to protect what soon became our National Historic Landmark District.
Maxine Lutz lives at 1801 North Street and is currently HBF’s recommended person to the Historic Review Board (HRB). She said she was not here when the National Historic Landmark was established with the strong partnership between the city and HBF. She’s seen a lot of members come and go and a lot of projects come and go with good/bad members and good/bad projects. When we’ve had members who contributed to bad projects, it was typically because they were there because they had an axe to grind and did have any of the skills sets that are recommended in the ordinance. She said, “HBF might have an axe to grind, but it’s a positive ax that we want our historic district preserved and want to do it with the best guidelines that are available to us. We want to do it with the Secretary of the Interior Standards and the seven integrities our Board currently takes into consideration: (1) location of the project (2) design of the project (3) the setting (4) the materials being used (5) the workmanship (6) the feeling and (7) associations of the project. Decisions are not made on a whim. Ms. Lutz heard the Design Review Board say many times that they wished they had the kind of guidelines that the HRB has. In her experience over the years, Ms. Lutz said when those guidelines have been observed, we’ve ended with good projects. She doesn’t understand why the city is making this recommendation of change. She heard it rumored this might be because the city is unhappy with HBF and doesn’t want to think that’s true of my elected officials. Ms. Lutz referred to the issues with the parking garage and the hotel, which was controversial. We’re not naysayers to developers. Ms. Lutz said, “as a long-time observer and now the person on the review board, I ask you to deny this request and lave the decisions to those that are skilled and design architecture, craftsmanship, and preservation”.

Grant McClure, South Carolina Coastal Conservation League, located at 1212 King Street said regarding 10.7.3.A., the Historic Beaufort Foundation mission aligns with goals of the city’s HRB to aid in the preservation protection, and enhancement of the Beaufort National Historic Landmark District. Given HBF’s specialized expertise in the historic preservation, we recommend retaining their seat appointment on the HRB.

Charlene Schufeld, lives in the unincorporated area of Lady’s Island said she has a great reverence for history. She’s been twice region of local DAR Chapter. She asked, “How can we have a Design Review Board of a national historic city and not have anyone on the Board with the knowledge of the history of Beaufort. The Governor has recognized our Director of HRB for her outstanding preservation of history knowledge. Ms. Schufeld urged the MPC to leave HRB as a nominating member of the Historic Review Board.

John Harrison, lives in Coosaw Point, said his family has been in Beaufort for 40 years, and he also represents the Rhett House Inn. The voices in this room are clear. I haven’t’ heard really any contrast to what’s obvious that should be done except for one person in the room saying, “we need to be more sufficient”. He greets every guest and visitor that comes to this town and stays at his inn as much as possible and all of them say one the thing, “what makes Beaufort special is the preservation, the beauty, the swing bridge. There haven’t been any good arguments against not having at least 20% of this Board represent history keeping Beaufort preserved.

Virginia Amar lives at 313 Bayard Street. She asked all of the supporters of the nominee of Historic Beaufort Foundation to please rise so the committee will know how many people support this. She finds it odd that not only does the city want to remove the ability of HBF to nominate one member of the Design Board, and to get of the MPC, too. It looks like they want to take over and do what they want to do without anybody else getting in their way, she said.

Parker Moore, 310 New Street. He feels this commission struggles with a lot of difficult issues and unfortunately, this should not be one of those. The historic fabric of Beaufort is the “golden goose”
of this city and the city council and staff and all the appointed members of each of the bodies having been entrusted by the citizens of Beaufort to protect that golden goose which should be simple. But for whatever reason, council and staff seemed hell bent on not only exiling the people that are the greatest guardians of our “golden goose”, but also picking out which butcher they’re going to take it to. If staff and city council are not willing to do their jobs of protecting the most important aspects of Beaufort, its heritage and legacy, we ask that the commission take steps to help them get there.

**Alexander McBride resides on Lady’s Island and is the Pastor of the First African Baptist Church** in the historic district and although he cannot speak for the 168 constituents of those elected, he will speak for himself as a person who has lived in Beaufort for the past 40 years and a pastor for the last 22 years. He is engaged in actual experience of the results of the Historic Beaufort Foundation’s recommendations and what not to help restore the Grand First African Baptist Church which was founded in 1863. Being a former Marine of 31 years, prior planning makes Pittsburgh performance and to have that prior plan, it takes one that is engaged in that planning with knowledge and the skill set that is above and beyond the local person that just walks up to the stand. He recommends that remain the same concerning HBF.

**Graham Trask owns property in Beaufort and the residence at 1211 Bay Street**, said everyone in the room probably knows I don’t live full time in the City of Beaufort but nor does our City Manager, Scott Marshall. He recognized Debbie Gray, Lee Sundrla, Maxine Lutz, a very nice articulate woman from Savannah, Virginia Amar, John Harrison, Parker Moore, and the Pastor who spoke. They’re making the case that HBF should remain on the HDRB, but that’s not what this is about. It’s not fairness or process, it’s about power and a vendetta of our mayor. He’s gotten a FOIA (Freedom of Information Act) from the city and he saw the very brief email from the Chamber of Commerce from Ian Scott suggesting that the chamber have a dedicated seat on the HDRB and apparently that is what the mayor says started all this. It’s also ironic that this particular item is the most important one for all of city council. It’s also interesting, as Ms. Amar pointed out, that they want to do away with you, the MPC, as well. They want to “regionalize the power” which is another word for “concentrate power” in their hands. Mr. Trask believes that this meeting shows a great deal of disrespect to the MPC Board and to every one of those people who showed up for this meeting and then also for the City Council Workshop. This has been a creation by the mayor and City Council members who will not stand up to the mayor. Mr. Trask reiterated that this is not about fairness or process, but it’s about power and a vendetta. Mr. Trask urges the MPC to see if for what it is and deny and make a recommendation to City Council of denial and said, “force them to then face the public in City Council Chambers, as you are now, to pass that against everyone who stood up and hopefully more will show at that meeting”.

**Public comment closed.**

**Motion:** I move that we leave the ordinance the way it was relating to the recommendation of HBF to be able to recommend a person of the five-member Historic Review Board.

All in favor: Josh Gibson, Judy Alling, James White, Dennis Ross, Wendy Zara

Motion made by: Wendy Zara

Seconded by: Judy Alling

There was further discussion between staff and the Commissioners.

Ms. Cosner noted we received three public comments that she forgot to mention. One asked to be added to meeting record and that was from John McCardle. The other two comments were from Libby Anderson and Benjie Morillo, and both only mentioned that their comments be forwarded to the Commissioners.
Merging the DRB, abolishing the MPC:
The MPC is basically making decisions for three different entities with perhaps not equal representation for each entity. The complication of each of those entities has very complicated approval and design and development processes that would probably, in staff’s opinion, be better served by a “City” only Board that could just focus on the city. From a city standpoint, if we combine the DRB and the Planning Commission, and just had members who were only dealing with the city that would definitely help with efficiency on all ends.

Mr. Freese noted he received a public comment that was given to the MPC relating to Ms. Cosner’s comment that this also had two members of a seven-member commission, and they felt it should go to a three or four.

There was further discussion between staff and the Commissioners.

Public Comment:

Paul Trask 610 Bladen Street, said in terms of those skill sets, he thinks it’s very important to recognize that someone who has experience dealing with tenants, dealing with financing a projects, navigating the rules and regulations that are contained in code. Mr. Trask feels the term developer is appropriate but not the term builder.

Grant McClure, Coastal Conservation League, said we are generally supportive of planning staff’s updates to the code which streamline and clarify the development approval process for both applicants and also for the public’s awareness. However, we offer the following suggestions to further enhance the City of Beaufort Development Code:

1) Our primary concern is the potential loss of a shared vision for how the region will handle growth. In the current code, the MPC’s powers and duties, reference the Northern Regional Plan specifically and the importance of regional cooperation for orderly planning for the wise conservation of historic and natural resources and for the growth of business enterprises providing new or expanded job opportunities in the area. The proposed city-only Planning Commission strikes the reference to the Northern Regional Plan and relies solely on the state statute to define its powers and duties. This is a missed opportunity for the City of Beaufort to further refine and tailor the Planning Commission’s charge and responsibilities to meet the City’s specific needs. We recommend expounding on the powers and duties section and we also suggest trying to incorporate a reference to the Northern Regional Plan within that definition.

2) We support the proposed changes to Section 9.8.2 which is the approval process for items in the redevelopment overlay. These changes ensure more transparency and allow for more participation. Although we question where projects exactly will be posted for public review and the postings, they should be easily accessible for all members of the public. We further recommend adding in a provision stating the following:

- Section 9.8.2.5.b. The code administrator shall notify all public commenters when a project is issued an approval.
• Section 10.2.1.a. That establishes the composition of the city’s Planning Commission. We feel it’s critical for the Planning Commission to be well staffed with expertise to deal with complex design challenges. We recommend increasing the requirement that two out of the seven members are design professionals to four out of the seven members. The amendments defined as designed professionals are architects, civil engineers, planners, urban planners, and real estate agents and due to potential conflicts of interest, we recommend replacing real estate agent with something like land design professional.

Diane Farrelly Oak Haven Street said she is sad this is being recommended. What is important is public comment and transparency. However, it this works to make things more reasonable for ordinary citizens to navigate the process of what’s going on around them without having to go to so many boards, then ok. She concurs with everything Grant McClure said. This is very wishy-washy, and it doesn’t have any duties, nor does it say anywhere that the members have to be citizens of the city. She feels there is a lot missing and urges the MPC to put it together in a better format so that the public can actually read and comprehend before they vote on it. Ms. Farrelly voiced her concerns about something that happened in her neighborhood a few years back when the MPC approved a sketch plan for the former trailer park at the end of Oak Haven Street. There were a number of decisions leading up to that that were questionable. The final decision that MPC made at that time (Ms. Alling was a member) was that they would recommend approval with the caveat that it is mandated that the developer work with the neighborhood during the design review process. Now that the MPC and the Design Review Board are being disbanded she is concerned about what will happen now.

Cyntnia Jenkins with HBF, resides at 733 North Reeve Road, noted that the Pine Haven and Oak Haven neighborhoods are potentially eligible for the National Register. She said HBF has spoken in the past to the City Manager about the review board assuming the responsibility that they are required to assume under the Certified Local Government process that they are members of. We are very concerned that that has not been done. She referred to the discussion earlier about how many members carry over, etc. She hopes the MPC takes strong consideration of that. The perception by a lot of people is that this is being a pushed through in the middle of the summer, the first Monday of Water Festival when people are not in town and not engaged in a very important process of reviewing a zoning ordinance that we paid several million dollars to get done in the first place. She referred to the four work sessions the city had. She said there is so much going on with the review boards right now and the sections involving the preservation including the fact that the National Park Service is winding up a very expensive very detailed conditions and integrity study. The sections that deal with Historic Preservation, she feels, are a great deal of a piecemeal because the sections you look at tonight do not involve the sections related to the seven integrities. The problem with this code has always been that it’s hard to follow, and you have to refer to four different chapters just to site information to use to plan what you want to do on an historic building; very complex. We need to be careful when looking at the Code and how we revise it. She feels it’s disrespectful to not wait for the study to be completed in September or October. She’s not a fan of the Form-Based Codes in the Historic District. She asked that this process be slowed down, have more meetings for the public to attend and have things explained to them so they better understand what is happening.

Ms. Cosner asked the MPC if they want to go forward with the discussion of making a motion based on the discussion we had tonight or do we want Curt to bring back more concrete solid language that speaks to all of the issues we talked about to come back to us in August.
Motion: Mr. Ross made a motion to defer voting on text amendment 10.2 until the wording has been clarified and the strike throughs have either been added or eliminated correctly.

Public Comment:

Powell Beach, lives at 310 Federal Street, said he has been in the planning and design world for 30 years and feels it is terrible to combine a Planning Commission and a Design Review Board. The Design Review Board is more of aesthetics and Planning Commission is more businessmen. Mr. Freese responded and said South Caroline is different for Design Review Boards than most states. Most Design Review Boards do only architecture, but SC they’re empowered to do more. Mr. Freese referred to the project, Beaufort Station. Ms. Cosner stated in many jurisdictions, if there is a DRB, the DRB recommendations go to the Planning Commission.

Graham Trask resides at 1211 Bay Street, said the commission made the right decision tonight. He felt the board did a great job tonight and said they are a very impressive board and very impressive people. He said the city is sorely lacking discussion, debate, the thoughtfulness, and lacking at our elected official level and that is why you are getting these amendments in this fashion and form. The blame lies squarely with our city council. He referred to the MPC mentioning the comment about the board members having to live in city and said it also needs to say or have a business in the city. He referred to the City Manager who does not live in the city. Initially he was in favor of doing away with the MPC but has changed his position because he is more concerned about the centralizing of more power in the hands of the city council. He referred to the comment made by Mr. Gibson about the city council appointing the entire slate in one go. Any text amendments need to be very specific about the makeup of the Board to include current board members on the MPC give the quality of those individuals as well as the DRB. He is puzzled why as part of what seems like the need to create a Planning Commission there is the proposal to do away with the city’s participation in the MPC and looking at the powers and duties in regard to the City of Beaufort, and there is only one of any substance and matter to a developer, which is to review and approve with conditions or deny all major subdivision sketch plans. He’s concerned that we are actually throwing out what is a very good Board who gives some very valuable and deep insights which our city is sorely lacking and to fix a problem which really, we need to have a creation of a planning committee anyway. He suggested creating the planning committee function within the city rather than doing away with the MPC and folding it into the planning committee because the powers of the MPC right now in respect to development or review are minimal at most.

Lise S Sundrla, said there might be one or more versions of the document going around with one having the changes and one does not. Ms. Cosner said we are working from the same document. She asked Ms. Sundrla where she received her document. Ms. Sundrla said, “Off of the website”. Mr. Freese said people may have been looking at the work session comments and things have changed since.

Public comment closed.

Motion made by: Dennis Ross
Seconded by: Wendy Zara
All in favor: Josh Gibson, Dennis Ross, James White, Wendy Zara, Judy Alling, and Sue Cosner
Opposed: None
Vote: 5:5
Mr. Freese said the changes to the DRB are tied to the Planning Commission and feels it would be better to move that to the next month it can be reviewed at the same time since it is one of the four major topics to include that with the recommendation.

**Motion:** Made a motion to move forward the 10.8 section on the Design Review Board.

All in favor: Josh Gibson, Dennis Ross, James White, Wendy Zara, Judy Alling, Sue Cosner  
Made by: Wendy Zara  
Seconded by: Dennis Ross  
Opposed: None  
Vote: 5:5

**HRB – Demolition**
Mr. Freese said there are five specific topics of conversation. After further discussion, staff and all commissioners agreed to take no action on this section tonight and table it for next month’s meeting.

**Public Comment:**

**Walter Nesser with the Law Firm Burr and Foreman,** said back in 2016, we were retained by a group of property owners of property and businesses within the city to assist in the review of the entire code and the reason why those business owners felt that it was appropriate to do so is because they wanted to just look at the code from a business perspective. He appreciates that staff is looking at the code from your perspective, but somebody has to also look at it from the business owners. Mr. Nesser said he sent comments to Mr. Feese today and many of the comments were that you are making in this latest exercise which we very much appreciate, but the thing he asked is that in this this process, as it moves forward, that the MPC look at those things. He said by for example, the findings in each instance, are those cumulative or how do those findings work because in some it looks cumulative and some it does not. For example, there are 10 enumerated for review of a Certificate of Appropriateness. He referred to the relocation or demolition of a contributing structure and the 9 months. Mr. Nesser asked that the MPC recommend to staff that they go through that and if they have questions, we are glad to help. It can’t just be the viewpoint from the municipality. It also has to be from the viewpoint of the property owner and the person who is trying to achieve what’s set forth in that ordinance. We need objective standards. Ms. Zara asked Mr. Nesser to send his comments to the commission.

**Graham Trask resides at 1211 Bay Street,** said he is a developer and probably the largest in downtown. I was not part of the process that Mr. Nestor was talking about, but I’m quite concerned about item D, which is slowing down the process, but my biggest town is item E. He said if you are a developer, applying to demolish a building is not to do it 7 years later. Right now, there is no sunset on the demolition. Certain developers, as Mr. Nestor represents one, has taken advantage of that. So, once you get a demo permit, it goes on into perpetuity forever. Certain people, Historic Beaufort Foundation (HBF) included, have been trying to put sunsetting onto demo permits. Five-year one-year extensions are extravagant. Mr. Trask referred to some buildings he has downtown and will want to demolish as a developer. He encouraged there to be revisions that tighten up the five one-year extensions and instead perhaps its two one-year extensions for the good reasons that there’s been a global pandemic and you can’t actually start your project. He hopes the committee will think about that from a developer’s point of view. Ms. Cosner reminded the commission that that language permissive; it says, Historic Review Beaufort may.

Ms. Cosner said we are tabling this section as well.
Public comment closed.

**Section 2.8.5 – Legacy Planned Unit Development District**
Mr. Freese also recommended that this be table as well since it relates to the MPC. Commissioners all agreed.

**Section 9.8.2 Redevelopment District Section**
Mr. Freese recommending getting the MPC’s opinion on this section. Commissioners all agreed. Ms. Cosner said we did approve this in December.

Mr. White asked for clarification in the sentence *the administrator shall respond in writing to all public comments*. Mr. Freese said we are intending for the staff to answer comments. He referred to Libby Anderson’s case that she made about the code not being followed on those staff level approvals and she felt a public hearing would give the transparency and decision-making in the public, too.

**Public Comment:**

*Cynthia Jenkins with HBF*, has many concerns especially with this section. Regarding demolitions, HBF asked city council to take action on this in the spring of 2020 to change the ordinance to have a sunset, so a demolition permit did not stand forever and did not transfer to a new owner. We also asked for a moratorium on demolitions at that time, until they could take action on that text amendment. She said council told her “Don’t worry we don’t need a moratorium because we will address this in the next two or three months”. Just three years later we’re getting a demolition clause that stops that kind of rampant demolition in an historic district. Then when we get the clause changed to allow five extensions of a building that might need demolishing because it’s falling down and have a property owner who has seven years, and you may have a health hazard. Most cities in the Historic District zoning ordinance allow for a two-year time frame and the extension of one year to demolish. This needs to be changed. Also, we think that new construction and building modifications of non-habitable accessory buildings needs closer attention, allowing decisions on fences and sheds by the administrator rather than being before a full Board needs to change. We have lost two historic fences in Beaufort that she knows of because city staff members didn’t think it was historic and didn’t bother to check. There are no surveys of those historic fences. Also, modifications to non-configuring and non-contributing structures in the Conservation Neighborhood needs to be defined. What buildings are historic and who’s deciding you use the seven integrities. Ms. Jenkins referred to item two on page seven and said in most projects an applicant should provide a scale model on a big project; a material wall that’s built of large-scale buildings so that you can see the relationship. She also referred to the ten Secretary Standards that are very important. HBF feels this is being piecemealed together. The ten Secretary Standards and the Seven Integrities are in the Code in the sections of the zoning ordinance that relate to the HRB’s decisions but they’re not what we’re looking at here and this all needs to be together in one section and not spread out through the ordinance. This makes the process very difficult. This needs a lot of work, she said. Ms. Cosner suggested Mr. Freese work with Ms. Jenkins because the MPC has decided to table everything with maybe one exception.

*Courtney Worrell, 303 Associates*, said in regard to the specific redevelopment question, after having attended the various meetings, she thinks this is a reasonable compromise, but we did have some questions about what the public back and forth will look like. We’re not opposed to it at all, just wanted some clarity around what that process was.
Ms. Cosner said we are back to the Redevelopment Projects in the Redevelopment Areas (Section 9.8.2). She said what the MPC recommendation approval to the council was that all projects in redevelopment areas would not occur at staff level. After further discussion, all of the Commissioners agreed to table this section until the next meeting. Mr. Freese agreed.

Paul Trask referred to the comment that Ms. Cosner made that she felt things are working well in the redevelopment district and spoke to the Boundary Street section. He feels things are not working out. There is this big sprawling complex sucking the life out of Boundary Street for example. Many tenants might consider the Boundary Street area are moving to this new shopping down in the Walmart area. Mr. Trask asked the MPC to please say why they feel like things are working so well rather than just leaving the assumption that are all working well. He said the circumstances are quite challenging. Ms. Cosner responded by saying hoteliers make decisions based on a lot of research. We have an apartment complex going up on Boundary that did not come to us and there are a lot of issues, but the developer found that lot. There are also new fast-food outlets. Mr. Trask said we don’t need any staff approval. Ms. Cosner said she didn’t’ feel we didn’t need more staff approval, but we need more approval at the commission level. Mr. Trask disagreed and when he attended the work session at city council it was quite clear that city council’s position was to retain staff review and the redevelopment district.

Public comment closed.

City of Beaufort Mayor Stephen Murray thanked the Commission for their time and effort into this. He said the Code was created without the public being engaged in the process. Then it came to the MPC and the MPC stamped that Code without a whole lot of objection, as he recalls. Then it came to City Council. We were notified by the Historic Beaufort Foundation (HBF), by the Coastal Conservation League and by a number of developers that the code was ripe with issues that needed to be settled before we codified it. He said thanks to some people in the development industry, HBF, Coastal Conservation and a whole host stakeholders sat in the work session room downstairs until late hours in the evening working through it just like we’re doing tonight. In 2023, when we passed the code, we made a commitment to stakeholders that about every six months or so we would keep track of the outstanding issues that the code was not perfect, and it was something that was different than we historically been operating under and that it was going to continue to take refinement and polishing. Mayor Murray said, “Shame on us, we didn’t have the staff capacity and we did only a few changes. Now we have the appropriate staff, we have Mr. Freese, a new City Manager and a new Council. On one side, we’re hearing from people in the development of community and not just wealthy developers, but people who are bootstrapped starting out trying to improve their properties that the process is often cumbersome, takes too much time, it’s too expensive, and its complicated. On the other side, we’re hearing from people that the stuff that is coming out of the ground are things we’re not very proud of. In the last work session, we had approximately 60 people and I asked, “how many of you are proud of all the new development or the new development that is occurring in the city” and only a few people, primarily those who are engaged in development, raised their hands. Mayor Murray said, “We are trying to thread a needle here where we are trying to streamline, make the process more predictable, tighten the time frame on some of these projects that it takes to get things out of the ground because unless you’re wealthy, I think we are precluding a lot of people from actually engaging and approve their properties and being able to build sort of economic mobility in this city which is a real shame. But on the other side, I think we’re trying to be more proud of the product when it comes out of the ground”. The city re-did the Milner Guidelines recently, we’ve been trying to vet out Boards and Commission members more appropriately. He has often said, “we should be proud of the stuff that’s being built in the
Mayor Murray stated, but why should we stop there? Why can’t new development and architecture outside the Historic District also be something we’re proud of and be our Historic structure of tomorrow? This is the goal of council has started with process to make sure that we’re not putting unnecessary barriers into development so that all people can take part in improving their properties appropriately, but also in building stuff and shaping our development pattern based on the Civic Master Plan’s vision is different. We have to think a little differently and he realized to put the MPC yourselves out of business is maybe a bit wrong or disrespectful, but the reality is that this is the legal process for it to occur. City Council started the process downstairs in the work session to do it in a very transparent way and they appreciate those that took time to attend. None of this has been scrubbed by legal counsel. In the meantime, he said the MPC has given some really excellent feedback tonight to staff which is going to be extraordinarily beneficial to our process. It’s more important that we get it right than we get it quickly. Council has no issues with it coming back to MPC next month for further review. In the meantime, legal counsel will look it over to make sure that the findings, the issues with state statute are absolutely polished up and if we have to, we’ll defer it again because it’s important we get it right. But right now, I don’t think we’re getting it perfectly. I think we can do better not only for applicants, but also that we can all be more proud of the new development that comes out of this sort of complicated process of development. Mayor Murray quoted Churchill by saying, “Democracy is the worst form of government besides all the others”. He thanked everyone for what they said. He also said, it’s not about personalities but about how we’re honored to be self-governing and to represent the city and how do we make informed decisions looking more for the future.

Ms. Cosner said she took to heart what Cynthia Jenkins was talking about in terms of cross-referring to those sections. This is so important in Code and asked if we could make a really strong attempt at doing a better job of cross-referencing those sections. Mr. Freese agreed even though it will be complicated as we move on. Ms. Cosner thanked the commission for all their hard work and those who will be going off the current MPC for their willingness to be part of this process.

**ADJOURNMENT 3:30:00**

**Motion:** Ms. Zara made a motion for adjournment at 8:30 pm. seconded by Mr. Gibson. The motion passed unanimously.